

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 13, 2004
SAN FRANCISCO, CALIFORNIA**

S109711

B139975 Second Appellate District,
Division Seven

CASSIM v. ALLSTATE INSURANCE

Opinion modified – no change in judgment

Petition for rehearing denied

Chin, J., was recused and did not participate.

S113136

C037254 Third Appellate District

BRONCO WINE COMPANY v. JOLLY

Opinion modified – no change in judgment

Petition for rehearing denied

Werdegar, J., was recused and did not
participate.

S126541

B171673 Second Appellate District,
Division Six

BLAIR v. S.C. (PEOPLE)

Petition for review granted

In addition to the issues raised in the petition for review, the court requests the parties to brief the following issue: Is the local jury selection procedure at issue in this case consistent with the provisions of Code of Civil Procedure section 203?

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S126908

G031925 Fourth Appellate District,
Division Three

ROSENDALE, MARRIAGE OF

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127086

B165665 Second Appellate District,
Division Two

GENERAL MOTORS v. FRANCHISE TAX BOARD

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127176

C043253 Third Appellate District

PEOPLE v. POKOVICH (CHARLES G.)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127338B168765 Second Appellate District,
Division Three

GRACE v. EBAY INCORPORATED

Petition for review granted; issues limited

Respondent's petition for review GRANTED
Appellant's petition for review denied.

The issue to be briefed and argued is limited
to the following: Does the Communications
Decency Act (47 U.S.C. § 230) confer immunity
on interactive computer services, such as eBay,
from liability for publishing or distributing
defamatory statements posted by third parties?"

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127344E034242 Fourth Appellate District,
Division Two

PEOPLE v. CAGE (LISA MARIE)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127373

C040891 Third Appellate District

PEOPLE v. ADAMS (DANIEL THOMAS)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127007B166394 Second Appellate District,
Division Eight

PEOPLE v. POK (SOPHAN)

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review GRANTED
Appellant's petition for review DENIED.

Further action in this matter is deferred
pending consideration and disposition of a
related issue in *People v. Lopez*, S119294 (see
Cal. Rules of Court, rule 28.2(d)(2)), or pending
further order of the court. Submission of
additional briefing, pursuant to California Rules

of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S114882

COSIO (ARNALDO RANGEL) ON H.C.
OSC issued, returnable in Superior Court

The Director of the Department of Corrections is ordered to show cause before the Los Angeles County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief on that grounds that the prosecutor failed to disclose evidence favorable to the accused and that prosecution witnesses testified falsely at trial, as alleged in Grounds One and Three of the petition for writ of habeas corpus filed April 7, 2003. The return shall be filed on or before November 12, 2004.

Votes: George, C.J., Werdegar, Chin, Brown, and Moreno, JJ.

S127260

G033937 Fourth Appellate District,
Division Three

WORKNHE v. W.C.A.B. (PETER ASTERIS)
Review granted; transferred to CA 4/3 to issue alt. writ

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C.J., Kennard, Werdegar, Chin, and Brown, JJ.

S127463

B175993 Second Appellate District,
Division Six

CALIFORNIA INSURANCE GUARANTEE v.
W.C.A.B (HOOTEN)
Review granted; transferred to CA 2/6 to issue alt. writ

The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its order denying the petition for a writ of review and to issue a writ

to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S099120

B144386 Second Appellate District,
Division Two

S. (WALTER), IN RE

Dismissed per rule 29.3(b), and remanded to CA 2/2

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S110263

H022692 Sixth Appellate District

PEOPLE v. SANCHEZ

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S110636

H023439 Sixth Appellate District

O. (RENE), IN RE

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S111522

D038700 Fourth Appellate District,
Division One

PEOPLE v. AYELE

Dismissed per rule 29.3(b), and remanded to CA 4/1

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S111812

H022999 Sixth Appellate District

R. (ADRIAN), IN RE

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S112291

B158090 Second Appellate District,
Division Three

PEOPLE v. WALTERS

Dismissed per rule 29.3(b), and remanded to CA 2/3

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S112339

D039990 Fourth Appellate District,
Division One

TRUMBLE v. S.C. (PEOPLE)

Dismissed per rule 29.3(b), and remanded to CA 4/1

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S112361

D039989 Fourth Appellate District,
Division One

WHATLEY v. S.C. (PEOPLE)

Dismissed per rule 29.3(b), and remanded to CA 4/1

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S112688

F039327 Fifth Appellate District

PEOPLE v. GARCIA

Dismissed per rule 29.3(b), and remanded to CA 5

Baxter, J., was recused and did not participate.
Votes: George, C.J., Kennard, Werdegar, Chin,
Brown, and Moreno, JJ.

S113526

B156790 Second Appellate District,
Division Eight

PEOPLE v. HILGER

Transferred to CA 2/8 after hold

The above-entitled matter is transferred to the
Court of Appeal, Second Appellate District,
Division Eight, with directions to vacate its
decision and to reconsider the cause in light of
People v. Arnold (2004) 33 Cal.4th 294, and
People v. Jeffrey. (2004) 33 Cal.4th 312. (Cal.
Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S115020

H023299 Sixth Appellate District

PEOPLE v. CAMPBELL

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S117778

C036614 Third Appellate District
C037039

PEOPLE v. VALDEZ

Transferred to CA 3 after hold

The above-entitled matter is transferred to the

Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Taylor* (2004) 32 Cal.4th 863. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S118936

B160267 Second Appellate District,
Division Seven

FINKE v. WALT DISNEY COMPANY

Transferred to CA 2/7 after hold

The parties having settle the case, review of the cause in the above-captioned matter, granted on November 12, 2003, is hereby dismissed. (Cal. Rules of Court, rule 29.3(b).) The cause is remanded to the Court of Appeal, Second Appellate District, Division Two.

George, C.J., and Brown, J., were recused and did not participate.

Votes: Moreno, A.C.J, Kennard, Baxter, Werdegar, and Chin, JJ.

S120585

H024717 Sixth Appellate District

PEOPLE v. CANTU

Dismissed per rule 29.3(b), and remanded to CA 6

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S126492

A106434 First Appellate District,
Division Three

NORIEGA (CARLOS) ON H.C.

Petition for review denied

S126511

A106772 First Appellate District,
Division Three

NAVAERETTE (JUAN) ON H.C.

Petition for review denied

S126516

B175789 Second Appellate District,
Division Four

CRAMER (LARRY LEE) ON H.C.

Petition for review denied

S126528

B176445 Second Appellate District,
Division One

URIETA (ROBERT) ON H.C.
Petition for review denied

S126589

D044454 Fourth Appellate District,
Division One

FREDERICKS (GEORGE) ON H.C.
Petition for review denied

S126595

B173778 Second Appellate District,
Division Seven

NANG (SINA CHRIS) ON H.C.
Petition for review denied

S126598

B176241 Second Appellate District,
Division Five

CLIFFORD (ANTHONY) ON H.C.
Petition for review denied

S126610

H027463 Sixth Appellate District

TATE (LIONEL) ON H.C.
Petition for review denied

S126612

G031799 Fourth Appellate District,
Division Three

PEOPLE v. CHAMORRO
Petitions for review denied

S126652

C042124 Third Appellate District

PEOPLE v. VALENZUELA
Petition for review denied

S126666

B165911 Second Appellate District,
Division Seven

PEOPLE v. MESA
Petition for review denied

S126698

B176398 Second Appellate District,
Division Two

OSWALD (WILLIAM S.) ON H.C.
Petition for review denied

S126725

G030864 Fourth Appellate District,
Division Three

PEOPLE v. GOMEZ
Petition for review & publication request denied

S126737

G029261 Fourth Appellate District,
Division Three

ANAHEIM, CITY OF v. PACIFIC BELL TEL. CO.
Petition for review denied

S126744

E035944 Fourth Appellate District,
Division Two

CAMBALIK (BONNIE JANE) ON H.C.
Petition for review denied

S126745

A103320 First Appellate District,
Division Two

SCOTT (GEORGE) ON H.C.
Petition for review & depublication request denied

S126754

B175565 Second Appellate District,
Division Six

JOHNSON (STANLEY) ON H.C.
Petition for review denied

S126765

F045499 Fifth Appellate District

SAINT AGNES MEDICAL CENTER v. S.C.
(COMMUNITY HOSPITALS OF CENTRAL CALIF.
Petition for review denied

S126804

F041824 Fifth Appellate District

PEOPLE v. INMAN
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) ___
U.S. ___ 124 S.Ct. 2531, on California law.

S126807

A101668 First Appellate District,
A104440 Division Four

PEOPLE v. PRICE
Petition for review denied

S126810

C043151 Third Appellate District

PEOPLE v. COX
Petition for review denied

S126811

G032543 Fourth Appellate District,
Division Three

BFGC ARCHITECTS v. FORCUM/MACKEY
Petition for review denied

Request for judicial notice denied.

S126820

E034763 Fourth Appellate District,
Division Two

PEOPLE v. BANUELOS
Petition for review denied

S126823

B168886 Second Appellate District,
Division Five

HARRAHILL v. CITY
Petition for review denied

S126836

H025140 Sixth Appellate District

PEOPLE v. JAMISON
Petition for review denied

S126842

D042693 Fourth Appellate District,
Division One

PEOPLE v. LE
Petition for review denied

S126850

A098206 First Appellate District,
Division Three

PEOPLE v. THIECKE
Petition for review denied

S126854

A102513 First Appellate District,
Division Three

JANIK v. RUDY
Petition for review & depublication request denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.
Werdegarr, J., was recused and did not
participate.

S126884

B167560 Second Appellate District,
Division Seven

ARTISAN ENTERTAINMENT v. ROYAL & SUN
ALLIANCE INSURANCE CO.
Petition for review denied

S126905

A098944 First Appellate District,
Division Four

PEOPLE v. SPENCER
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) __ U.S.
__, 124 S.Ct. 2531, on California law.

S126906

B166806 Second Appellate District,
Division One

PEOPLE v. FALCON

Petitions for review denied

Petitions for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S126928

D041872 Fourth Appellate District,
Division One

F., (ANNETTE) v. S., (SHARON)

Petition for review denied

S126936

B176797 Second Appellate District,
Division Five

CHAVEZ v. S.C. (PEOPLE)

Petition for review denied

Kennard, J., Chin, J., and Moreno, J., are of the opinion the petition should be granted.

S126966

H027077 Sixth Appellate District

McADAMS ON H.C.

Petition for review denied

S126992

A099945 First Appellate District,
Division Two

PEOPLE v. LOCKETT

Petition for review denied

S126995

G030808 Fourth Appellate District,
Division Three

FRIEDMAN PROFESSIONAL MANAGEMENT v.
NORCAL MUTUAL INSURANCE COMPAY

Petition for review denied

S127010

B172610 Second Appellate District,
Division Five

HOLCOMB v. BELKIN CORPORATION

Petition for review denied

S127023

B168409 Second Appellate District,
Division One

PEOPLE v. LEGASPI

Petition for review denied

S127051

F042389 Fifth Appellate District

PEOPLE v. ROMAN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

S127052

C045271 Third Appellate District

BERRY, MARRIAGE OF

Petition for review & publication request denied

S127053B155511 Second Appellate District,
Division FourBETTELMAN RECREATION ENTERPRISES v.
CITY OF SOUTH EL MONTE

Petition for review & publication request denied

S127071A099483 First Appellate District,
A099484 Division Four
A099770
A100270

PHILLIPS v. BOWLES

Petition for review & publication request denied

S127080A101414 First Appellate District,
A101792 Division One

WAUL v. CIRCUIT CITY STORES, INC.

Petition for review denied

Request for judicial notice denied.

S127100

F041763 Fifth Appellate District

PEOPLE v. HAAG

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

S127123

A106848 First Appellate District,
Division One

UCSF v. W.C.A.B. (HOGAN)

Petition for review denied

S127126

D042977 Fourth Appellate District,
Division One

PEOPLE v. ARELLANO

Petition for review & publication request denied

S127132

B166498 Second Appellate District,
Division Two

PEOPLE v. RODRIGUEZ

Petition for review denied

S127144

C041997 Third Appellate District

PEOPLE v. COKER

Petition for review denied

S127170

B159252 Second Appellate District,
Division Two

MCGINEST v. VERIZON CALIFORNIA INC.

Petition for review denied

Werdegar, J., was recused and did not
participate.

S127173

B166315 Second Appellate District,
Division Six

PEOPLE v. DEVINE

Petition for review denied

S127183

A105529 First Appellate District,
Division One

WOMENS ENERGY MATTERS v. P.U.C.

Petition for review denied

Chin, J., recused and did not participate.

S127228

F044704 Fifth Appellate District

PEOPLE v. WILSON

Petition for review denied

S127234

H025691 Sixth Appellate District

PEOPLE v. HAYES

Petition for review denied

S127262

F041273 Fifth Appellate District

PEOPLE v. BARAJAS

Petition for review denied

S127263

B168864 Second Appellate District,
Division Seven

PEOPLE v. ARCHULETA

Petition for review denied

S127273

H021985 Sixth Appellate District

PEOPLE v. DELEON

Petition for review denied

Baxter, J., is of the opinion the petition should
be granted.

S127274

C043902 Third Appellate District

PEOPLE v. CONDOSTA

Petition for review denied

S127297

B164523 Second Appellate District,
Division Four

KRALL v. LOS ANGELES, CITY OF

Petition for review denied

S127300

E036374 Fourth Appellate District,
Division Two

AMSTER v. S.C. (EURE)

Petition for review denied

S127301

A101950 First Appellate District,
Division Five

TOM v. CITY & COUNTY OF SAN FRANCISCO
(SF TENANTS UNION)

Petition for review denied

S127307

B176982 Second Appellate District,
Division Seven

YARBRAV v. S.C. (JACKSON)

Petition for review and application for stay denied

S127310

B167744 Second Appellate District,
Division Seven

PEOPLE v. DERAS

Petition for review denied

S127323

B164990 Second Appellate District,
Division Five

SCOTTSDALE INSURANCE CO. v. ZIMMERMAN &
KAHONOWITCH)

Petition for review denied

S127327

B147598 Second Appellate District,
Division Four

PEOPLE v. ORTIZ

Petition for review denied

S127330

H022775 Sixth Appellate District

PEOPLE v. LAZALDE

Petition for review denied

Baxter, J., is of the opinion the petition should be granted.

S127335B160612 Second Appellate District,
B162189 Division Four

SAKS v. CHARITY MISSION BAPTIST CHURCH

Petition for review denied

S127339

C047478 Third Appellate District

LOCKSHIN LAW CORPORATION v. S.C. (BERNAL)

Petition for review denied

S127352B164540 Second Appellate District,
Division Eight

PEOPLE v. BAILEY

Petition for review denied

S127358

F045807 Fifth Appellate District

JOHNSON (KENNETH R.) ON H.C.

Petition for review denied

S127376

F043604 Fifth Appellate District

TEACHERS FOR TRUTH v. BASIC RESEARCH

Petition for review denied

S127387B167237 Second Appellate District,
Division Seven

PEOPLE v. GARCIA

Petition for review denied

S127403B163793 Second Appellate District,
Division Six

PEOPLE v. AGUILAR

Petition for review denied

Werdegarr, J., is of the opinion the petition should be granted.

S127409

C041458 Third Appellate District

PEOPLE v. SANTOYO

Petition for review denied

S127413

H025621 Sixth Appellate District

PEOPLE v. HOENINGHAUS

Petition for review denied

Baxter, J., and Chin, J., are of the opinion the
petition should be granted.

S127420B165484 Second Appellate District,
Division Three

PEOPLE v. RAMIREZ

Petition for review denied

S127427

C043189 Third Appellate District

PEOPLE v. AYALA

Petition for review denied

S127428

H027695 Sixth Appellate District

AMKOR TECHNOLOGY v. S.C. (PHILIPS
ELECTRONICS N.A. CORP.)

Petition for review denied

S127438

C045053 Third Appellate District

I. (JASMINE), IN RE

Petition for review denied

S127440

H025571 Sixth Appellate District

DEL CHARRO PROPERTIES v. HERON

Petition for review denied

S127444

H026311 Sixth Appellate District

PEOPLE v. CARILLO

Petition for review denied

S127445A103351 First Appellate District,
Division Three

PEOPLE v. SANDERS

Petition for review denied

S127446

H027615 Sixth Appellate District

YORK (REGINALD RAY) ON H.C.

Petition for review denied

S127447G031552 Fourth Appellate District,
Division Three

PEOPLE v. WILLIAMS

Petition for review denied

S127448

B168690 Second Appellate District,
Division Three

PEOPLE v. OCHOA

Petition for review denied

S127450

F046081 Fifth Appellate District

SMITH (ROBERT) ON H.C.

Petition for review denied

S127455

A105502 First Appellate District,
Division Two

SHALABY v. THE STATE OF CALIFORNIA

Petition for review denied

S127468

B168584 Second Appellate District,
Division One

PEOPLE v. GAETA

Petition for review denied

S127469

G032080 Fourth Appellate District,
Division Three

PEOPLE v. STANSELL

Petition for review denied

S127472

A105338 First Appellate District,
Division Two

SETON MEDICAL CENTER v. W.C.A.B.
(BALLINGER)

Petition for review denied

S127475

G033576 Fourth Appellate District,
Division Three

COUNTY OF ORANGE v. PINTO

Petition for review and application for stay denied

S127476

F043047 Fifth Appellate District

PEOPLE v. RUIZ

Petition for review denied

S127477

B171855 Second Appellate District,
Division One

PEOPLE v. BYBEE

Petition for review denied

S127478

A103334 First Appellate District,
Division Three

PEOPLE v. MAYS

Petition for review denied

S127479
C044642 Third Appellate District

PEOPLE v. MCNALLY
Petition for review denied

S127481
C045212 Third Appellate District

PEOPLE v. COSTA
Petition for review denied

S127483
A107220 First Appellate District,
Division Three

ANDRADE ON H.C.
Petition for review denied

S127484
H026414 Sixth Appellate District

PEOPLE v. ZAMORA
Petition for review denied

S127488
B177223 Second Appellate District,
Division Eight

STOLL v. S.C. (KACHATURIAN)
Petition for review denied

S127495
A103958 First Appellate District,
Division Five

S. (LAUREN), IN RE
Petition for review denied

Request for judicial notice denied.

S127498
B174516 Second Appellate District,
Division Six

S. (CYPRUS), IN RE
Petition for review denied

S127501
F045087 Fifth Appellate District

LAW OFFICES GEORGE BOYLE v. S.C. (PEOPLE)
Petition for review denied

Baxter, J., was recused and did not participate.

S127506
B167497 Second Appellate District,
Division Three

PEOPLE v. WILSON
Petition for review denied

S127507
B168669 Second Appellate District,
Division Six

PEOPLE v. LEE
Petition for review denied

S127508

B164987 Second Appellate District,
Division One

PEOPLE v. BONNAUDET
Petition for review denied

S127509

B171360 Second Appellate District,
Division Three

PEOPLE v. TINDALL
Petition for review denied

S127510

B167203 Second Appellate District,
Division Four

PEOPLE v. PALACIOS
Petition for review denied

S127512

D040806 Fourth Appellate District,
Division One

PEOPLE v. LEWIS
Petition for review denied

S127514

A102770 First Appellate District,
A104621 Division Four

PEOPLE v. CORMIER
Petition for review denied

S127518

F043124 Fifth Appellate District

PEOPLE v. PORRAS
Petition for review denied

S127520

B169206 Second Appellate District,
Division Four

DAVIS, MARRIAGE OF
Petition for review denied

S127521

B176264 Second Appellate District,
Division Five

VALLEJOS v. W.C.A.B. (STRATEGIC)
Petition for review denied

S127524

B171279 Second Appellate District,
Division Three

PEOPLE v. ARELLANO
Petition for review denied

S127527

H026170 Sixth Appellate District

PEOPLE v. LUA
Petition for review denied

S127528

B169151 Second Appellate District,
Division Three

PEOPLE v. PETERSON
Petition for review denied

S127534

F044909 Fifth Appellate District

F. (SARAH), IN RE
Petition for review denied

S127537

A104764 First Appellate District,
Division Four

PEOPLE v. CAIRATI
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127551

B169808 Second Appellate District,
Division Seven

PEOPLE v. LEOS
Petition for review denied

S127552

B177240 Second Appellate District,
Division One

JOHNSON (KENNETH R.) ON H.C.
Petition for review denied

S127560

F043778 Fifth Appellate District

PEOPLE v. HOFFMAN
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127561

F044916 Fifth Appellate District

A. (EVANGELINA), IN RE
Petition for review denied

S127562

B161844 Second Appellate District,
Division Four

PEOPLE v. RANKINS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127565

B168576 Second Appellate District,
Division Three

PEOPLE v. HERNANDEZ

Petition for review denied

S127566

D042462 Fourth Appellate District,
Division One

PEOPLE v. COHEN

Petition for review denied

S127567

B168249 Second Appellate District,
Division Three

PEOPLE v. LUCAS

Petition for review denied

S127573

B164592 Second Appellate District,
Division One

PEOPLE v. VILLALOBOS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127576

C044314 Third Appellate District

PEOPLE v. STONE

Petition for review denied

S127592

C043663 Third Appellate District

PEOPLE v. COOK

Petition for review denied

S127593

A103367 First Appellate District,
Division One

C. (KAYLA), IN RE

Petition for review denied

S127594

E034903 Fourth Appellate District,
Division Two

PEOPLE v. MALDONADO

Petition for review denied

S127597

A102210 First Appellate District,
Division Two

MEACHAM v. FM INDUSTRIES

Petition for review denied

S127598

A107512 First Appellate District,
Division Five

FELIX v. S.C. (PEOPLE)

Petition for review denied

S127599

A107443 First Appellate District,
Division Three

PEOPLE v. DANIELS

Petition for review denied

S127600

A106931 First Appellate District,
Division Four

JUE v. W.C.A.B.

Petition for review denied

S127605

B176338 Second Appellate District,
Division Four

ISAMAN v. CITY

Petition for review denied

S127606

B164584 Second Appellate District,
Division Four

PEOPLE v. COMPTON

Petition for review denied

S127608

G031802 Fourth Appellate District,
Division Three

PEOPLE v. JIMENEZ

Petition for review denied

S127611

C044515 Third Appellate District

PEOPLE v. COLEMAN

Petition for review denied

S127615

B177212 Second Appellate District,
Division One

BURNS INTERNATIONAL SECURITY SERVICES v.
S.C. (ESTRADA)

Petition for review denied

S127617

C043919 Third Appellate District

PEOPLE v. VUONG

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127620B172431 Second Appellate District,
Division Six

DETTENMAYER v. JACOBS & JACOBS

Petition for review denied

S127622B165272 Second Appellate District,
Division One

PEOPLE v. MILLER

Petition for review denied

S127623B168872 Second Appellate District,
Division Eight

BAYNARD, ESTATE OF

Petition for review denied

S127629A103425 First Appellate District,
Division Four

PEOPLE v. BARNES

Petition for review denied

S127632

F043193 Fifth Appellate District

PEOPLE v. BERMUDEZ

Petition for review denied

S127633G033074 Fourth Appellate District,
Division Three

PEOPLE v. NGUYEN

Petition for review denied

S127635B177330 Second Appellate District,
Division One

HALLERAN v. S.C. (MIRTORABI)

Petition for review denied

S127637A107147 First Appellate District,
Division Two

WILLIAMS (LARRY) ON H.C.

Petition for review denied

S127639

A101664 First Appellate District,
Division Five

PEOPLE v. SINGLETON
Petition for review denied

S127648

C044102 Third Appellate District

PEOPLE v. STRONG
Petition for review denied

S127651

G032963 Fourth Appellate District,
Division Three

SEGURA v. S.C. (CITY OF IRVINE)
Petition for review denied

S127655

B169929 Second Appellate District,
Division One

PEOPLE v. JAMES
Petition for review denied

S127656

A101557 First Appellate District,
Division Five

PEOPLE v. SKEEN
Petition for review denied

S127658

F043937 Fifth Appellate District

PEOPLE v. JOHNSON
Petition for review denied

S127659

G030976 Fourth Appellate District,
Division Three

PEOPLE v. KUBIN
Petition for review denied

S127662

A097466 First Appellate District,
Division Four

RAMOS v. CASTILLO
Petition for review denied

S127663

B167356 Second Appellate District,
Division Seven

PEOPLE v. HURD
Petition for review denied

S127669

F044288 Fifth Appellate District

PEOPLE v. SCOTT
Petition for review denied

S127670

D041118 Fourth Appellate District,
Division One

PEOPLE v. SCALES

Petition for review denied

S127673

F044697 Fifth Appellate District

R. (COLBY), IN RE

Petition for review denied

S127678

E033510 Fourth Appellate District,
Division Two

PEOPLE v. BELMONTES

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S127688

B172846 Second Appellate District,
Division Three

SOUTH BEVERLY WILSHIRE JEWELRY & LOAN
v. S.C. (GORDON)

Petition for review denied

Chin, J., was recused and did not participate.

S127692

B170276 Second Appellate District,
Division One

PEOPLE v. WILCHER

Petition for review denied

S127702

C043913 Third Appellate District

PEOPLE v. JONES

Petition for review denied

S127707

B168226 Second Appellate District,
Division Seven

WELCH v. SOBEL

Petition for review denied

S127709

C035663 Third Appellate District

PEOPLE v. WHITE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S127720
H026274 Sixth Appellate District

PEOPLE v. WALKER
Petition for review denied

S127722
E033679 Fourth Appellate District,
Division Two

PEOPLE v. MARTINEZ
Petition for review denied

S127728
F043572 Fifth Appellate District

PEOPLE v. STURGES
Petition for review denied

S127732
B175183 Second Appellate District,
Division Eight

ESTRADA-SCHAYE v. LOS ANGELES
COMMUNITY COLLEGE DIST.
Petition for review denied

Moreno, J., was recused and did not participate.

S127735
G031454 Fourth Appellate District,
G031744 Division Three

DAVEY v. WATSON
Petition for review denied

S127739
G033328 Fourth Appellate District,
Division Three

PEOPLE v. LEXINGTON
Petition for review denied

S127743
B177104 Second Appellate District,
Division Six

BOLOUR v. S.C. (SEAQUEST)
Petition for review denied

S127773
F042856 Fifth Appellate District
F042858

PEOPLE v. HEIMAN
Petition for review denied

S127835
B167468 Second Appellate District,
Division Four

PEOPLE v. LAWSON
Petition for review denied

S127836
C043505 Third Appellate District

PEOPLE v. SCHNATHORST
Petition for review denied

S127838

B169779 Second Appellate District,
Division Six

PEOPLE v. C., ISAAC
Petition for review denied

S127897

B176759 Second Appellate District,
Division Two

COHEN v. S.C.
Petition for review and application for stay denied

S128135

G034446 Fourth Appellate District,
Division Three

ALLEN v. S.C. (NORTHERN ARIZONA GROUP)
Petition for review and application for stay denied

S128221

A107724 First Appellate District,
Division Three

CLEAN AIR TRANSPORT SYS v. S.C. (CLARK)
Petition for review and application for stay denied

S128227

B177883 Second Appellate District,
Division Seven

NATROL INC. v. S.C. (MENDES)
Petition for review and application for stay denied

S114732

BRISCOE (KHYLE A.) ON H.C.
Petition for writ of habeas corpus denied

S118280

FRENCH (ALLEN RENDEL) ON H.C.
Petition for writ of habeas corpus denied

S120663

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

S120994

GARY (REGINALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S121010

CAMPELL (MARY) ON H.C.
Petition for writ of habeas corpus denied

S121038

AYALA (GABRIEL) ON H.C.
Petition for writ of habeas corpus denied

S121076

HOOVER (CROSSAN) ON H.C.
Petition for writ of habeas corpus denied

S121078

ROE (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)

S121082

WILEY (JOSEPH G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Lindley (1947) 29 Cal.2d 709; *In re Dixon*
(1953) 41 Cal.2d 756; *In re Swain* (1949) 34
Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S121193

JACKO (BRYAN K.) ON H.C.
Petition for writ of habeas corpus denied

S121201

JAIMES (HECTOR N.) ON H.C.
Petition for writ of habeas corpus denied

S121202

JOHNSON (ANDRE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S121204

MURPHY (MAURICE D.) ON H.C.
Petition for writ of habeas corpus denied

S121209

TROTTER (ANTHONY G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780.)

S121216

BEASLEY (DONALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121218

MOSES (SAMMY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121219

MORRIS (CARNEY) ON H.C.
Petition for writ of habeas corpus denied

S121230

BARNES (TROY) ON H.C.
Petition for writ of habeas corpus denied

S121232

BILLUPS (DERRICK LEE) ON H.C.
Petition for writ of habeas corpus denied

S121234

FULBRIGHT (DAVID L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734.)

S121238

REYES (JUAN) ON H.C.
Petition for writ of habeas corpus denied

S121269

OWENS (MICHAEL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S121295

SCHWARZ (CHARLES D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S121319

RAMIREZ (JUAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121321

GARCIA (OMAR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121323

BLEDSON (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S121334

GESSE (MARK E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S121346

THOLMER (LIONELL) ON H.C.
Petition for writ of habeas corpus denied

S121359

ARMSTEAD (DARYL) ON H.C.
Petition for writ of habeas corpus denied

S121366

RODGERS (DAMEIAN S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121367

RESENDIZ (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121377

MARSHALL (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S121391

TIATIA (TUAFONO) ON H.C.
Petition for writ of habeas corpus denied

S121396

SMITH (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S121397

SCOTT (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)

S121410

TERRY (WILBERT) ON H.C.
Petition for writ of habeas corpus denied

S121416

HAYNES (DARYL B.) ON H.C.
Petition for writ of habeas corpus denied

S121430

BURKS (GEORGE) ON H.C.
Petition for writ of habeas corpus denied

S121438

MACHADO (DELFINO) ON H.C.
Petition for writ of habeas corpus denied

S121439

O'NEAL (TERRELL) ON H.C.
Petition for writ of habeas corpus denied

S121445

VALDEZ (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S121492

RINCON (GUADALUPE) ON H.C.
Petition for writ of habeas corpus denied

S121498GUYTON (FRANCISCO G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

S121520BENYAMINI (ROBERT P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S121535SAMPSON (TONY ANDRE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S121540WARE (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S121544WYATT (ALBERT LOUIS) ON H.C.
Petition for writ of habeas corpus denied**S121577**ABREU (ARMANDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121583MANGOLD (PAUL WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

S121646

CLARK (RICHARD A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S121674

CULPEPPER (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S121697

ANDERSON (JEROME C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S121850

SERNA VICTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S121854

JOSEPH (EARL A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S122114

O'NEAL (TERRELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

S122279

BILLUPS (DERRICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124041SCHWARZ (CHARLES D.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S124995**EPPS (DUSTY) ON H.C.
Petition for writ of habeas corpus denied**S125185**MACHADO (DELFINO) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)**S125220**BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied**S125223**BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied**S125330**TRUJILLO (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)**S125361**ARBOUR (THOMAS) ON H.C.
Petition for writ of habeas corpus denied**S125426**JONES (STEVE) ON H.C.
Petition for writ of habeas corpus denied(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)**S125441**VAUGHAN (BILLY) ON H.C.
Petition for writ of habeas corpus denied

S125543

BRAXTON (PRESTON W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

S125588

STOKES (BILL) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S125589

COLE (MICHAEL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S125613

HRONIS (STEVEN) ON H.C.
Petition for writ of habeas corpus denied

S125687

BERUMEN (JOHNNY M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125692

SHAYLER (JAMES W.) ON H.C.
Petition for writ of habeas corpus denied

S125698

OGLE (STEVEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125704

JULIUS (PHYLANTIS A.) ON H.C.
Petition for writ of habeas corpus denied

S125768

SMITH (GUY L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125819

BENNANI (KHADIJA) ON H.C.
Petition for writ of habeas corpus denied

S126860

VILLACRES (CHARLES D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S127721

WRIGHT (ROBERT E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734.)

S127833

VILLACRES (CHARLES D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S127851

JONES (KENNETH M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S127935

ARMENDARIZ (RENE) ON H.C.
Petition for writ of habeas corpus denied

S127938

MARTINEZ (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Azurin* (2001) 87 Cal.App.4th 20; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S127959GREEN (DONALD) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S127966**ROSS (ROBERT M.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dexter* (1979) 25 Cal.3d 921.)**S127987**JACKSON (CHARLES) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)**S128000**CEJAS (ANDREW A.) ON H.C.
Petition for writ of habeas corpus denied**S128032**CROSBY (ACHARMU Y.) ON H.C.
Petition for writ of habeas corpus denied**S128033**BEASON (MOSES) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S128039**BURKS (LENTON) ON H.C.
Petition for writ of habeas corpus denied**S128058**UTLEY (JAMES C.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)**S113697**D039551 Fourth Appellate District,
Division OneGENIX BIOTEK v. SYNTRON BIORESEARCH
Publication request denied (case closed)

S114493

B158941 Second Appellate District,
Division Seven

ROWE v. TOVEG

Publication request denied (case closed)

S114788

A097978 First Appellate District,
Division Three

**OAKLAND UNIFIED SCHOOL DIST v. UNITED
ADMINISTRATORS OF OAKLAND SCHOOL**

Publication request denied (case closed)

S115920

A098415 First Appellate District,
Division One

CHERESNIK v. SAN FRANCISCO, CITY/COUNTY

Publication request denied (case closed)

S116392

A100636 First Appellate District,
Division Five

HILL v. 24 HOUR FITNESS U.S.A., INC.

Publication request denied (case closed)

S118465

A099633 First Appellate District,
Division One

VUKIC v. SCHNEBLY BUILDING & DESIGN

Publication request denied (case closed)

S119088

C041091 Third Appellate District

CALIFORNIA CONSUMER HEALTH CARE**COUNCIL v. CALIF DEPT MANAGED HEALTH**

Publication request denied (case closed)

S121357

A100054 First Appellate District,
Division Four

**DEZEREAGA v. CITY OF BERKELEY RENT
STABILIZATION BOARD**

Publication request denied (case closed)

S121903

D040819 Fourth Appellate District,
Division One

**DEZ CONSTRUCTION v. CALEXICO UNIFIED
SCHOOL (DENTON)**

Publication request denied (case closed)

S122403

A104044 First Appellate District,
Division Two

AYELE v. KAISER FOUNDATION

Publication request denied (case closed)

Werdegar, J., was recused and did not
participate.

S123622

F041775 Fifth Appellate District

MOSLEY v. HUDNER

Publication request denied (case closed)

S125721B168243 Second Appellate District,
Division One

PEOPLE v. MITCHELL

Depublication request denied (case closed)

S126255

C042517 Third Appellate District

TRACE v. TRU-LINE BUILDERS

Publication request denied (case closed)

S126885A103656 First Appellate District,
Division Three

SOVEREIGN GENERAL INSURANCE v. AON LTD

Publication request denied (case closed)

S127088

F043882 Fifth Appellate District

R. (MICHAEL), IN RE

Publication request denied (case closed)

S127282B164376 Second Appellate District,
Division Two

COPELCO CAPITAL v. JOHNSON

Publication request denied (case closed)

S127351B166405 Second Appellate District,
Division Six

CHORPASH v. STATE FARM FIRE & CASUALTY

Publication request denied (case closed)

S127624

F044624 Fifth Appellate District

R. (MICHAEL), IN RE

Depublication request denied (case closed)

S099667A091884 First Appellate District,
Division Five

AGUILAR v. LERNER

Time extended to consider modification or rehearing

to December 22, 2004.

S127167A101101 First Appellate District,
A101203 Division Two
A102558

FUJITSU IT HOLDINGS v. FRANCHISE TAX BD.

Time extended to grant or deny review

to November 12, 2004.

S127237

B165782 Second Appellate District,
Division Seven

PEOPLE v. RAULS

Time extended to grant or deny review

to November 18, 2004.

S127281

G034017 Fourth Appellate District,
Division Three

MUHAMED (NO) ON H.C.

Time extended to grant or deny review

to November 19, 2004

S127417

H027530 Sixth Appellate District

BROUSSARD (TYRONE) ON H.C.

Time extended to grant or deny review

to November 24, 2004.

S127471

D044650 Fourth Appellate District,
Division One

MICHAEL (DE LA GARZA) ON H.C.

Time extended to grant or deny review

to November 24, 2004.

S127526

F045808 Fifth Appellate District

GALAZ (ALFRED PAUL) ON H.C.

Time extended to grant or deny review

to November 24, 2004.

S127532

G034228 Fourth Appellate District,
Division Three

YU (LI) ON H.C.

Time extended to grant or deny review

to November 24, 2004.

S031641

PEOPLE v. TATE (GREGORY O.)

Extension of time granted

to December 13, 2004 to file appellant's opening brief. After that date, only seven further extensions totaling about 440 additional days will be granted. Extension is granted based upon Deputy State Public Defender Harry Gruber's representation that he anticipates filing that brief by 2/2006.

S047868

PEOPLE v. GEORGE (JOHNATON S.)
Extension of time granted

to December 7, 2004 to file appellant's opening brief. After that date, only three further extensions totaling about 140 additional days will be granted. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that brief by 4/28/2005.

S048763

PEOPLE v. NELSON (SERGIO D.)
Extension of time granted

to December 13, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing that brief by 1/13/2005.

S049596

PEOPLE v. BRYANT, SMITH & WHEELER
Extension of time granted

to December 13, 2004 to file appellant BRYANT'S opening brief. Extension is granted based upon Assistant State Public Defender Kathleen M. Scheidel's representation that she anticipates filing that brief by 12/13/2004. After that date, no further extension will be granted.

S052374

PEOPLE v. BROWN (STEVEN)
Extension of time granted

to December 13, 2004 to file appellant's opening brief.

S055415

PEOPLE v. COWAN (ROBERT W.)
Extension of time granted

to November 30, 2004 to file respondent's brief.

S055856

PEOPLE v. ROMERO & SELF
Extension of time granted (2)

- (1) to December 7, 2004 to file appellant ROMERO'S opening brief. After that date, only six further extensions totaling about 360 additional days will be granted. Extension is granted based upon Deputy State Public Defender Michael P. Goldstein's representation that he anticipates filing that brief by 12/2005.
- (2) to December 7, 2004 to file appellant SELF'S opening brief. After that date, only eight further extensions totaling about 450 additional days will be granted. Extension is granted based upon counsel William D. Farber's representation that he anticipates filing that brief by 3/2006.

S058092

PEOPLE v. HARRIS (MAURICE)
Extension of time granted

to November 17, 2004 to file appellant's reply brief. Extension is granted based upon counsel Glen Niemy's representation that he anticipates filing that brief by 11/17/2004. After that date, no further extension will be granted.

S058729

PEOPLE v. IHDE (MICHAEL P.)
Extension of time granted

to November 12, 2004 to file respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing that brief by 11/11/2004.

S064306

PEOPLE v. FAMALARO (JOHN J.)
Extension of time granted

to December 13, 2004 to file appellant's opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based

upon Deputy State Public Defender Joel Kirshenbaum's representation that he anticipates filing that brief by 10/2005.

S064415

PEOPLE v. BRAMIT (MICHAEL L.)
Extension of time granted

to December 13, 2004 to file appellant's opening brief.

S065233

PEOPLE v. SMITH (FLOYD)
Extension of time granted

to December 6, 2004 to file appellant's opening brief. After that date, only four further extensions totaling about 270 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jamilla Moore's representation that she anticipates filing that brief by 7/2005.

S066377

PEOPLE v. ABILEZ (FRANK M.)
Extension of time granted

to December 13, 2004 to file appellant's reply brief.

S073205

PEOPLE v. WILLIAMS (JACK)
Extension of time granted

to December 7, 2004 to file appellant's opening brief. After that date, only six further extensions totaling about 360 additional days will be granted. Extension is granted based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing that brief by 12/10/2005.

S075616

PEOPLE v. GONZALES & SOLIZ
Extension of time granted

to December 13, 2004 to file appellant GONZALES'S opening brief. After that date,

only two further extensions totaling about 135 additional days will be granted. Extension is granted based upon counsel Joseph F. Walsh's representation that he anticipates filing that brief by 4/26/2005.

S075875

PEOPLE v. RUSSELL (TIMOTHY R.)
Extension of time granted

to November 30, 2004 to file appellant's opening brief.

S076721

PEOPLE v. JONES (WILLIAM)
Extension of time granted

to December 13, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 95 additional days will be granted. Extension is granted based upon counsel Kimberly Grove's representation that she anticipates filing that brief by 3/15/2005.

S119946

DUNKLE (JON SCOTT) ON H.C.
Extension of time granted

to October 26, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Conrad Petermann's representation that he anticipates filing that document by 10/26/2004. After that date, no further extension will be granted.

S120020

TAFOYA (INGNACIO A.) ON H.C.
Extension of time granted

to November 15, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 12/14/2004.

S121004

DANKS (JOSEPH MARTIN) ON H.C.
Extension of time granted

to December 8, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 12/8/2004.

S123149

CLEVELAND ON H.C.
Extension of time granted

to November 8, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 50 additional days will be granted. Extension is granted based upon Assistant State Public Defender Donald J. Ayoob's representation that he anticipates filing that brief by 12/2004.

S125276

HINTON (ERIC LAMONT) ON H.C.
Extension of time granted

to November 15, 2004 to file the informal response to the petition for writ of habeas corpus. No further extension is contemplated.

S126085

DYKES (ERNEST) ON H.C.
Extension of time granted

to November 4, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling about 150 additional days will be granted. Extension is granted based upon Deputy Attorney General Eric D. Share's representation that he anticipates filing that document by 4/3/2005.

S126781MOON (RICHARD) ON H.C.
Extension of time granted

to November 3, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy Attorney General Jason C. Tran's representation that he anticipates filing that document by 3/1/2005.

S126653G032245 Fourth Appellate District,
Division ThreePEOPLE v. MARTINEZ
Counsel appointment order filed

Sharon M. Jones appointed to represent appellant (Martinez).

S126664D042702 Fourth Appellate District,
Division OneC. (BEN), CONSERVATORSHIP OF
Counsel appointment order filed

Appellate Defenders Inc., appointed to represent appellant Ben C. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S126773B159750 Second Appellate District,
Division TwoPEOPLE v. SALAS
Counsel appointment orders filed (2)

- (1) Douglas Benedon appointed to represent appellant (Javier O. Salas). Appellant's brief on the merits must be served and filed on or before 30 days from the date respondent's opening brief on the merits is filed.
- (2) Neil Rosenbaum appointed to represent appellant (Stephen C. Patrick). Appellant's brief on the merits must be served and filed on or before 30 days from the date respondent's opening brief on the merits is filed.

S126892B168750 Second Appellate District,
Division Six

PEOPLE v. NARRO

Counsel appointment order filed

Corinne Shulman appointed to represent
appellant (Narro).

S034072

PEOPLE v. CURL (ROBERT ZANE)

Record augmentation granted

Appellant's "Motion for Augmentation of
Appellate Record, filed on September 10, 2004,"
is granted. The clerk is directed to file, as part
of the record on appeal, the document entitled
"Request for Stay, Petition for Writ of Mandate,
Prohibition or Other Appropriate Relief;
Memorandum of Points and Authorities." The
court will treat the document as a true copy of
the document bearing that title that was filed in
the Court of Appeal, Fifth Appellate District, on
October 21, 1988, in the action entitled *Robert
Zane Curl v. Superior Court of the State of
California for the County of Fresno*, No.
F011191.

S047867

PEOPLE v. VIRGIL (LESTER W.)

Record augmentation denied

Appellant's "Application to Reopen Record
Correction/ Motion to Augment the Record on
Appeal," filed on September 3, 2004, is denied.

S055856

PEOPLE v. ROMERO & SELF

Record correction granted

Appellant Orlando Romero's "Motion to
Further Correct, Unseal, Complete, and Settle
the Record on Appeal," filed on July 28, 2004,
is granted in part and denied in part. The
request to correct the record on appeal is granted
in part. The clerk of this court is directed to
make the following change by interlineation on
the Reporter's Transcript, January 22, 2004
(Phone Conference), page 832, lines 8-9: "I
have reviewed" is

corrected to “I have not reviewed”

On the court’s own motion, the clerk of this court is directed to provide a copy of the Clerk’s Eighth Supplemental Transcript on Appeal to all parties. It is ordered that only counsel for appellants and counsel for respondent, and their respective investigators, may have access to and use the clerk’s transcript provided, and may do so only on this appeal and with respect to any petition for writ of habeas corpus by either appellant challenging the lawfulness of his confinement pursuant to the underlying judgment of death. The clerk is further directed to reseal the original Clerk’s Eighth Supplemental Transcript on Appeal.

The request for the “index of confidential materials” (Romero’s Motion, p. 7) pursuant to California Rule of Court, rule 31.2(b)(5), is granted. The clerk of this court is directed to send to the superior court clerk of Riverside County the following items filed under seal:

- (1) three volumes of “Clerk’s Supplemental Transcript on Appeal” (pages 1 through 692)
- (2) two volumes of “Supplemental Clerk’s Transcript on Appeal” (pages 1 through 563)
- (3) five volumes of “Clerk’s Supplemental Transcript on Appeal” (unredacted sealed juror questionnaires, pages 1 through 1258)
- (4) “Reporters’ Unredacted Pages from Transcript on Appeal”
- (5) “Key to Juror-identifying Information” (appellant Orlando Romero’s jury)
- (6) “Key to Juror-identifying Information” (appellant Christopher Self’s jury)
- (7) “Clerk’s Eighth Supplemental Transcript on Appeal”

The superior court clerk of Riverside County is directed to compile in one master index the individual indices, if any, from the sealed items listed above. If any item listed above does not have an individual index associated with it, then the master index should simply list the item and description, if any.

The superior court clerk is further directed to do the following: (1) prepare from the master index a redacted index deleting reference to the three volumes of “Clerk’s Supplemental Transcript on Appeal” (item (1) above) and send

a copy thereof to counsel for appellant Self; (2) prepare from the master index a redacted index deleting reference to the two volumes of “Supplemental Clerk’s Transcript on Appeal” (item (2) above) and send a copy thereof to counsel for appellant Romero; and (3) prepare from the master index a redacted index deleting reference to all five volumes of “Clerk’s Supplemental Transcript on Appeal” and “Supplemental Clerk’s Transcript on Appeal” (items (1) and (2) above) and send a copy thereof to the Attorney General.

The superior court clerk is directed to return to this court the original records filed under seal, the master index, and the three redacted indices.

The superior court clerk is directed to comply with the foregoing directions on or before November 19, 2004.

In all other respects, the motion is denied.

S024046

PEOPLE v. OMALLEY (JAMES F.)
Motion denied

Appellant’s “Motion for Orders Allowing Appellant’s Counsel to Review Materials in the Sealed Record on Automatic Appeal of Appellant’s Death Sentence,” filed on January 16, 2004, is denied.

S026408

PEOPLE v. LYNCH (FRANKLIN)
Order filed

Appellant’s application for leave to file appellant’s opening brief exceeding 95,200 words is granted.

S125755

RAMIREZ (RICHARD) ON H.C.
Order filed

Petitioner’s “Motion to Withdraw Exhibit to Petition for Writ of Habeas Corpus,” filed September 22, 2004, is granted. The clerk of this court is directed to return to petitioner exhibit 1A, which was filed under seal on August 30, 2004.

